



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

207

CWP-469-2018 (O&M)

Date of decision: 04.03.2025

Parveen Kumar Jain

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Raman Sharma, Advocate for the petitioner

Ms. Shruti, AAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing the impugned order dated 12.06.2014, whereby the past service of the petitioner has been forfeited and for releasing the pension and pensionary benefits upon he having been superannuated on 28.02.2013.

2. The petitioner, who was appointed as Science Master on 28.12.1977, joined on 03.01.1978 and his services were regularised vide order dated 06.05.1983 w.e.f. 01.10.1980 and confirmed on 12.11.1993. He submitted an application for leave without pay for one year on 12.07.1996 to Head Master of the Government School, where he was working, to leave with his daughter, who was pursuing higher studies in USA, which was recommended by the DEO on the same date. Since, he had to leave on 23.07.1996, he proceeded and returned back in the year 2009 and on submitting representation, was allowed to join his duties on 06.06.2010 as also allowed to retire on 28.02.2013. During the aforesaid period, he was issued a chargesheet on 17.06.2010, which culminated in the order



impugned in the present case, of forfeiture of past service, in terms of Rule 3.17-A (vii) of Punjab Civil Services Rules, 1970, Volume II.

3. Learned counsel submits that the punishment of forfeiture could have been imposed only if the post of the absentee employee, had been substantively filled up as is contemplated in the aforesaid Rule *ibid*. It is an admitted position that the post remained vacant and he was permitted to join the same in the year 2010. Therefore, the requirement of the rule was not fulfilled, thus, the impugned order is liable to be set aside. He further submits that an appeal was also filed along with a representation dated 15.02.2016, Annexure P-13 taking the above ground as well, pursuant to the liberty granted by this Court in the previous lis at his hands being CWP-1767-2016, which was disposed of on 28.01.2016 to decide the appeal, which was rejected vide order dated 02.06.2016 without making any reference to the aforesaid aspect.

4. A perfunctory, mono-linear disposition, bereft of proper contemplation of facts and circumstances of a case, stands in brazen contravention of principles of natural justice, as eloquently expounded by this Court in **M/s Kranti Associates Pvt. Ltd. And Another vs. Sh. Masood Ahmed Khan and Others**,¹ wherein it was observed that the face of an order passed by a quasi-judicial or administrative authority affecting the rights of parties, must speak and must not be like the inscrutable face of a Sphinx. The authorities are under a legal obligation to give reasons while passing an order, which are the essence and virtually a part of the due process.

5. Administrative authorities are mandated to articulate the rationale behind their decisions, ensuring transparency and fairness in the decision-making process, which not only assists the Court in scrutinising the case effectively but

¹ 2010(9) SCC 496



prevents a revolving door of appeals to the same institution.

6. As a fall out of the above, the impugned order dated 12.06.2014 is set aside and the respondents are directed to consider the matter afresh, in accordance with law, taking note of the submissions made and grounds taken in appeal filed by the petitioner and pass a reasoned order, within a period of 4 months, after affording an opportunity of hearing to him.

7. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

04.03.2025

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No